

IN THE UNITED STATES DISTRICT  
COURT FOR THE MIDDLE DISTRICT  
ALABAMA  
EASTERN DIVISION

CHRISTOPHER McCULLOUGH, X  
PETITIONER X CASE NO.  
V. X 3:07-CV-71-WHA  
STATE OF ALABAMA, X  
RESPONDENT, X  
X

AFFIDAVIT OF CHRISTOPHER McCULLOUGH

STATE OF ALABAMA }  
County of Jefferson }  
}

BEFORE ME, THE UNDERSIGNED AUTHORITY  
AND NOTARY PUBLIC IN AND FOR SAID  
COUNTY AND STATE AT LARGE, PERSONALLY  
APPEARED CHRISTOPHER McCULLOUGH, WHO  
BEING KNOWN TO ME AND BEING BY ME  
FIRST DULY SWORN ON OATH DEPOSES AND  
SAYS AS FOLLOWS:

- ① MY NAME IS CHRISTOPHER McCULLOUGH. I  
AM OVER NINETEEN AND COMPETENT  
TO MAKE THIS STATEMENT

Charles W. Story  
Circuit Clerk  
Chambers County Courthouse  
LaFayette, AL 36862

MONTGOMERY AL 361

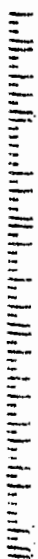
28 NOV 2006 PM 17 L



5-004  
PAGE 2

(GXHZBTB.)

35023/7293



f19 Double side

EXHIBIT (C)

Dear Mr. [unclear] [unclear] [unclear]  
I am all right  
Cordelia & Mary [unclear] [unclear] [unclear]  
I love you & [unclear] [unclear]

[illegible]

*Journal of Management Studies*, 19(1), 67-80.

On 8-8-06 you filed A Rule 32 in CC 02-304.60. No Ruling as of yet.

In CC 02 318.60 your petition was filed on 3-29-04 And denied on 9-26-05. ~~5023~~

In CC 02 318.61 Denied on 9-26-05

(EXHIBIT C)

UNITED STATES DISTRICT COURT  
174909 3-69 cell  
W.F. Donaldson PO WARRIOR LN.  
KESSENE, AL. 36023

AS AN RESPONSE TO JAMIE OLIVER AND MR. CHARLES STORY AFFIDAVITS I SUBMIT THIS EXHIBIT TO VERIFY MY AFFIDAVIT AND ALLEGATION OF THE TIME FRAME THAT I SENT LEGAL MAIL TO THE CHAMBERS COUNTY CIRCUIT CLERK CHARLES W. STORY AND RECEIVED IT THROUGH THE DONALDSON CORRECTIONAL FACILITY MAIL ROOM.

THIS LETTER THAT I RECEIVED WAS STAMPED SAID NOVEMBER 28, 2006 WHEN IT REACHED MONTGOMERY, ALABAMA AND WHEN IT GOT TO THE DONALDSON CORRECTIONAL FACILITY I RECEIVED IT ON DECEMBER 1, 2006. THE LETTER INSIDE WILL BE VERIFIED AS EXHIBIT (C) THIS DISCLOSES THAT I DID RECEIVE SUCH INFORMATION FROM CHARLES W. STORY CIRCUIT CLERK OF CHAMBERS COUNTY AND THE REASON THAT IT IS NOT ON RECORD IS THAT HE SENT HIS RESPONSE TO MY LETTER ON BACK OF THE SAME LETTER THAT I HAD SENT HIM. I DO VERIFY THAT THE CASE NUMBERS AND INFORMATION WITH THEM ARE MR. CHARLES W. STORY HANDWRITINGS SO IS MY NAME AND PRISON ADDRESS IS IN HIS HANDWRITING.

## IN THE CIRCUIT COURT OF CHAMBERS COUNTY, ALABAMA

STATE OF ALABAMA )

VS. )

CASE NO. CC-02-318 )


CHRISTOPHER McCULLOUGH )

**ORDER**

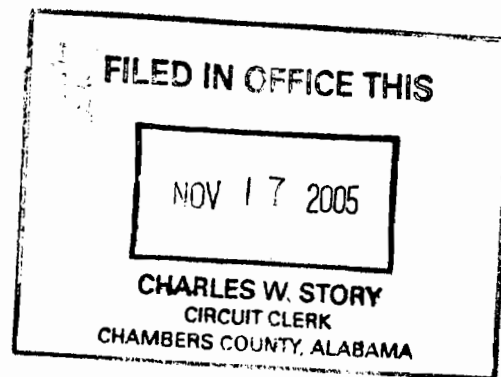
After consideration of submissions from State and Defense, Defendant's Petition For Relief From Conviction Or Sentence is DENIED.

Let a copy of this Order issue to the defendant and the District Attorneys Office.

Signed this the 17<sup>th</sup> day of November, 2005.

  
RAY D. MARTIN  
CIRCUIT JUDGE

(EXHIBIT D)



PAGE (3)



C. McCullough DA



I HAVE REPEATEDLY TRIED TO NOT ONLY GET THE RESULTS OF THESE POST-CONVICTION RULE 32'S BUT ALSO WENT TO EXTREME MEASURES TO MAKE THEM ANSWER THEM AND TO GET THE RESULTS.

THE LAW STATES THAT IN THE RULES OF COURT THE DISTRICT ATTORNEY HAS 30 DAYS TO RESPOND TO AN POST-CONVICTION RULE 32 AFTER NOTIFICATION OF ITS BEEN FILED.

THE LAW ALSO STATES THAT IF THE CIRCUIT COURT REFUSES TO RESPOND TO AN POST-CONVICTION RULE 32 THEN PETITIONER SHOULD BE GRANTED THE RELIEF SOUGHT.

AND WHEN SUCH ALLEGATIONS IF TRUE, COULD BRING THE PETITIONER RELIEF SOUGHT AN QUINQUENTARY HEARING MUST BE HELD.

(EXHIBIT D.) COMES FROM THE ATTORNEY GENERAL'S ANSWER THE SAID ORDER THE PETITIONER SUPPOSE TO HAVE RECEIVED AROUND NOVEMBER 17 2005, REASON FOR DISCLOSURE IS THAT I DO VOUCH THAT I NEVER RECEIVED THIS ORDER AND THE INFORMATION THAT MR. CHARLES STACY SUBMITTED IN HIS AFFIDAVIT AND MY LETTER ARE THE WRONG DATA TO THE DECISION OF THIS ORDER AT LEAST ONE OF THE TWO CASES WHICH I FURTHER PUSH MY ISSUES FOR PROCEDURAL DEFAULT.

**COURT OF CRIMINAL APPEALS  
STATE OF ALABAMA**

H. W. "BUCKY" McMILLAN  
Presiding Judge  
SUE BELL COBB  
PAMELA W. BASCHAB  
GREG SHAW  
A. KELLI WISE  
Judges



Lane W. Mann  
Clerk  
Sonja McKnight  
Assistant Clerk  
(334) 242-4590  
Fax (334) 242-4689

**CR-04-1241**

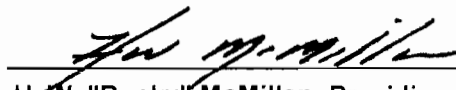
Ex parte Christopher McCullough (In re: State of Alabama vs. Christopher McCullough) (Chambers Circuit Court: CC02-318.60)

**ORDER**

A motion to be granted relief for post conviction Rule 32 was filed on March 25, 2005. The Court of Criminal Appeals is treating the motion as a petition for writ of mandamus. The Court of Criminal Appeals ORDERS that the petitioner in this cause be and the same is hereby given 14 days from the date of this order to file a certificate of service with this Court evidencing his/her compliance with the service requirements of Rule 21(a) of the Alabama Rules of Appellate Procedure. Rule 21(a) requires that the petitioner serve the respondent judge or judges and all parties to the action in the trial court with a copy of the petition. The petitioner's certificate of service shall indicate the name and address of each person served with a copy of the petition, as well as the date and manner of such service.

Lastly, the petitioner is hereby placed on notice that in the event this Court has not "received" a certificate of service that conforms to the directives in this order within the 14-day period herein allowed, this petition shall be dismissed for non-compliance with Rule 21(a), Alabama Rules of Appellate Procedure.

Done this the 29th day of March, 2005.

  
\_\_\_\_\_  
H.W. "Bucky" McMillan, Presiding Judge  
Court of Criminal Appeals

cc: Hon. Howard F. Bryan, IV, Circuit Judge  
Hon. Charles W. Story, Circuit Clerk  
Christopher McCullough, Pro Se  
Hon. Troy King, Attorney General  
Hon. E. Paul Jones, District Attorney

PAGE 4

(EXHIBIT)



**SUPREME COURT OF ALABAMA**

Robert G. Esdale  
Clerk  
Lynin Knight  
Assistant Clerk



Office of the Clerk  
300 Dexter Avenue  
Montgomery, AL 36104-3741  
(334) 242-4609

**1041059**

Ex parte Christopher McCullough. PETITION FOR WRIT OF MANDAMUS: CRIMINAL (In re: Christopher McCullough, alias v. State of Alabama) (Chambers Circuit Court: CC02-318; Criminal Appeals : CR-03-1103).

**NOTICE**

You are hereby notified that your case has been docketed. Future correspondence should refer to the above Supreme Court case number. The petition for writ of mandamus was filed with the Supreme Court on 04/14/2005

**AMENDMENTS TO THE RULES OF APPELLATE PROCEDURE**

Counsel and parties should review recent amendments to the Alabama Rules of Appellate Procedure.

Appellate Mediation: On July 17, 2003, the Supreme Court of Alabama adopted Rule 55, Alabama Rules of Appellate Procedure, which provides for appellate mediation of civil cases. On January 6, 2004, the Supreme Court of Alabama adopted the Alabama Appellate Mediation Rules. The rules can be accessed at <http://www.judicial.state.al.us>. Any counseled civil case may be referred to appellate mediation by the Appellate Mediation Administrator.

Form Requirements for Documents filed with the Court: The rules amendments, effective June 1, 2002, may be found in the advance sheets of the Southern Reporter dated December 20, 2001, and in the volume of the Alabama Reporter containing cases from 798 - 804 So.2d.

Please note that one recent rule amendment requires that briefs be set in Courier New 13. See Rule 32(a)(5), Ala. R. App. P., as amended. This paragraph is typed in Courier New 13.

Petitions for Writ of Certiorari: Major changes have been made to Rules 39 and 40, governing petitions for writ for writ of certiorari and applications for rehearing. PLEASE FAMILIARIZE YOURSELF WITH THESE CHANGES. See, Douglas Inge Johnstone, The Two Most Common Fatal Defects in Petitions for Writs of Certiorari, 64 Ala. Lawyer 3 (May 2003) and Celeste Sabel, Forget Everything You Knew About Alabama Certiorari Practice, 64 Ala. Lawyer 6 (September 2003).

(EXHIBIT 7) PAGE 9

## SUPREME COURT OF ALABAMA

Robert G. Esdale  
Clerk  
Lynn Knight  
Assistant Clerk



Office of the Clerk  
300 Dexter Avenue  
Montgomery, AL 36104-3741  
(334) 242-4609

**1041123**

Ex parte Christopher McCullough. PETITION FOR WRIT OF MANDAMUS: CRIMINAL (In re: State of Alabama vs. Christopher McCullough) (Chambers Circuit Court: CC02-318.60; Criminal Appeals : CR-04-1241).

### NOTICE

You are hereby notified that your case has been docketed. Future correspondence should refer to the above Supreme Court case number. The petition for writ of mandamus was filed with the Supreme Court on 04/29/2005

### AMENDMENTS TO THE RULES OF APPELLATE PROCEDURE

Counsel and parties should review recent amendments to the Alabama Rules of Appellate Procedure.

Appellate Mediation: On July 17, 2003, the Supreme Court of Alabama adopted Rule 55, Alabama Rules of Appellate Procedure, which provides for appellate mediation of civil cases. On January 6, 2004, the Supreme Court of Alabama adopted the Alabama Appellate Mediation Rules. The rules can be accessed at <http://www.judicial.state.al.us>. Any counseled civil case may be referred to appellate mediation by the Appellate Mediation Administrator.

Form Requirements for Documents filed with the Court: The rules amendments, effective June 1, 2002, may be found in the advance sheets of the Southern Reporter dated December 20, 2001, and in the volume of the Alabama Reporter containing cases from 798 - 804 So.2d.

Please note that one recent rule amendment requires that briefs be set in Courier New 13. See Rule 32(a)(5), Ala. R. App. P., as amended. This paragraph is typed in Courier New 13.

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*(EXHIBIT 7) (11/24/04)*

IN THE SUPREME COURT OF ALABAMA  
May 11, 2005

1041059

Ex parte Christopher McCullough. PETITION FOR WRIT OF  
MANDAMUS: CRIMINAL (In re: Christopher McCullough, alias v.  
State of Alabama) (Chambers Circuit Court: CC02-318; Criminal  
Appeals: CR-03-1103).

ORDER

The petition of Christopher McCullough for a writ of  
mandamus to be directed to the Alabama Court of Criminal  
Appeals having been duly filed and submitted to the Court,

IT IS ORDERED that the petition for writ of mandamus is  
denied.

Nabers, C.J., and Lyons, Woodall, Smith, and Parker, JJ.,  
concur.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court  
of Alabama, do hereby certify that the foregoing is  
a full, true and correct copy of the instrument(s)  
herewith set out as same appear(s) of record in said  
Court.

Witness my hand this 11<sup>th</sup> day of May, 2005

*Robert G. Esdale, Sr.*  
Clerk, Supreme Court of Alabama

(EXHIBIT H.) PAGE 11

I SUBMIT EXHIBITS E AND F, G, H,  
 THESE EXHIBITS THAT UNDER EXTREME  
 MEASURES I DID ASCERTAIN THE STATUS  
 OF THESE POST-CONVICTION RULE 32'S BY  
 THE TRIAL COURT DENYING TO EVEN ANSWER  
 THE POST-CONVICTION RULE 32'S I THE  
 SAID PETITIONER CHRISTOPHER MCCULLOUGH  
 TO MOVE FORWARD A MANDAMUS TO THE  
 COURT OF CRIMINAL APPEALS TO BE GRANTED  
 RELIEF FROM SUCH POST-CONVICTIONS BECAUSE  
 THE CIRCUIT COURT WITHIN A YEAR TIME  
 HAD NOT EVEN RESPONDED TO THESE POST-  
 CONVICTIONS RULE 32 PETITIONS SO I  
 WENT TO THE HIGHER COURT FOR RELIEF  
 AFTER BEING DENIED IN THE COURT OF  
 CRIMINAL APPEALS EXHIBIT (F.) VERIFIES  
 THAT I REQUESTED THE ALABAMA SUPREME  
 COURT FOR THE SAME RELIEF FROM POST-CONVICTION  
 RULE 32'S BECAUSE THE CIRCUIT COURT WOULD  
 NOT RESPOND APRIL 14, 2005.

APRIL 29,  
 2005

EXHIBIT (G.) WAS ALSO FILED TO THE ALABAMA  
 SUPREME COURT TO DIRECT THE COURT OF  
 CRIMINAL APPEALS TO MAKE THE CHAMBERS  
 COUNTY CIRCUIT COURT TO ANSWER THE TWO  
 POST-CONVICTION RULE 32'S I HAD IN THEIR  
 COURT EXHIBIT (H.) IS VERIFICATION OF  
 ME DEALING WITH THE ALABAMA SUPREME COURT  
 TO MAKE THE COURT OF CRIMINAL APPEALS TO ORDER

DAVID



**SUPREME COURT OF ALABAMA**

Robert G. Esdale  
Clerk  
Lynn Knight  
Assistant Clerk



Office of the Clerk  
300 Dexter Avenue  
Montgomery, AL 36104-3741  
(334) 242-4609

**1041781**

Ex parte Christopher McCullough. PETITION FOR WRIT OF MANDAMUS: CRIMINAL (In re: State of Alabama vs. Christopher McCullough) (Chambers Circuit Court: CC02-318.60; Criminal Appeals : CR-04-1241).

**NOTICE**

You are hereby notified that your case has been docketed. Future correspondence should refer to the above Supreme Court case number. The petition for writ of mandamus was filed with the Supreme Court on 08/05/2005

**AMENDMENTS TO THE RULES OF APPELLATE PROCEDURE**

Counsel and parties should review recent amendments to the Alabama Rules of Appellate Procedure, effective June 1, 2005. The amendments can be found in The Southern Reports, Second series, volume numbered 888-890. The amendments can also be found under "Rule Changes" at the Judicial System website at [www.judicial.state.al.us](http://www.judicial.state.al.us).

Appellate Mediation: On July 17, 2003, the Supreme Court of Alabama adopted Rule 55, Alabama Rules of Appellate Procedure, which provides for appellate mediation of civil cases. On January 6, 2004, the Supreme Court of Alabama adopted the Alabama Appellate Mediation Rules. The rules can be accessed at <http://www.judicial.state.al.us>. Any counseled civil case may be referred to appellate mediation by the Appellate Mediation Administrator.

Form Requirements for Documents filed with the Court: Certain amendments to the Alabama Rules of Appellate Procedure can be found in the volume of the Alabama Reporter containing cases from 798-804 So.2nd. The most recent appellate rules amendments can be found in the volume of the Alabama Reporter containing cases from 888 - 890 So.2nd.

Please note that Rule 32(a)(5) requires that briefs be set in Courier New 13. See Rule 32(a)(5), Ala. R. App. P., as amended. This paragraph is typed in Courier New 13.

Signature on Briefs: Newly adopted Rule 25A, Alabama Rules of Appellate Procedure, requires that appellate documents be signed by at least one attorney of record or, in a case in which the party is proceeding pro se, by the party. The rule provides that any unsigned document shall be stricken unless the omission is promptly corrected after it is called to the attention of the attorney or party filing it.

EXHIBIT (1) PAGE 5

**COURT OF CRIMINAL APPEALS  
STATE OF ALABAMA**

H. W. "BUCKY" McMILLAN  
Presiding Judge  
SUE BELL COBB  
PAMELA W. BASCHAB  
GREG SHAW  
A. KELLI WISE  
Judges



Lane W. Mann  
Clerk  
Gerri Robinson  
Assistant Clerk  
(334) 242-4590  
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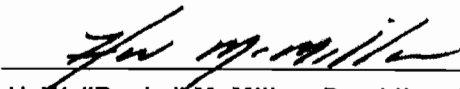
**CR-06-0257**

Ex parte Christopher McCullough (In re: State of Alabama vs. Christopher McCullough) (Chambers Circuit Court: CC02-189; CC02-304; CC02-312; CC02-318; CC02-325)


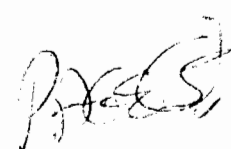
**ORDER**

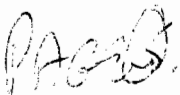
Upon consideration of the above referenced Petition for Writ of Mandamus, the Court of Criminal Appeals ORDERS that said petition be and the same is hereby DISMISSED.

Done this the 4th day of December, 2006.

  
\_\_\_\_\_  
H. W. "Bucky" McMillan, Presiding Judge  
Court of Criminal Appeals

cc: Hon. Charles W. Story, Circuit Clerk  
Christopher McCullough, Pro Se  
Hon. Joel Holley, District Judge  
Hon. Troy King, Attorney General  
Hon. E. Paul Jones, District Attorney

  
\_\_\_\_\_  






THE CHAMBERS COUNTY CIRCUIT COURT TO ANSWER AND RESPOND TO THESE POST-CONVICTION RULE 32'S AS AN ORDER WAS GIVEN DENYING MY REQUEST. EXHIBIT (I) MAY 11, 2005, EXHIBIT (I) SHOWS ME ONCE AGAIN REQUESTING THE ALABAMA SUPREME COURT TO DIRECT THE COURT OF CRIMINAL APPEALS TO ORDER THE CHAMBERS COUNTY CIRCUIT COURT TO ANSWER THESE POST-CONVICTION RULE 32'S. AUGUST 5, 2005, EXHIBIT (I) DENYING ME THE REQUEST ONE AGAIN TO THE COURT OF CRIMINAL APPEALS DECEMBER 4, 2006

THIS I DO VERIFY THAT I MADE AT LEAST 10 ATTEMPTS TO ASCERTAIN THE STATUS OF THESE POST-CONVICTION RULE 32'S THE WHOLE TIME THAT THEY WERE ACTIVE IN **THE** CHAMBERS COUNTY CIRCUIT COURT. ALSO THESE EXHIBITS VERIFY MY TOTAL CONCERNS FROM TIME OF FILING UP TO NOW OF THESE POST-CONVICTION RULE 32'S THEREFORE PETITIONER HAS DISCLOSED NUMEROUS OF EXHIBITS TO SUBSTANTIATE THAT HE DID TRY TO GAIN INFORMATION OF THE STATUS OF THESE RULE 32'S NUMEROUS OF TIMES OTHER THAN WRITING THE CIRCUIT CLERK.

I SWEAR, TO THE BEST OF MY PRESENT  
KNOWLEDGE AND INFORMATION, THAT THE  
ABOVE STATEMENTS ARE TRUE, THAT I AM  
COMPETENT TO MAKE THIS AFFIDAVIT,  
AND THAT THE ABOVE STATEMENTS ARE  
MADE BY DRAWING FROM MY PERSONAL  
KNOWLEDGE OF THE SITUATION. MAY 13, 2007

Signature, Christopher McCullough  
Christopher McCullough PR'S

SWORN TO AND SUBSCRIBED BEFORE ME  
ON THIS THE 19<sup>th</sup> DAY OF JUNE MONTH  
2007,

William Duta  
NOTARY PUBLIC

10/20/08  
my COMMISSION EXPIRES

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY THAT I  
HAVE SENT AN EXACT, SAME COPY OF  
THE FOREGOING TO: TROY KING

ATTORNEY GENERAL

11 SOUTH UNION STREET

MONTGOMERY, ALABAMA 36130

By PLACING THE SAME IN THE  
UNITED STATES MAIL POSTAGE PAID

Signing Christopher C. McCullough  
Christopher C. McCullough  
Pro SE

NOTICE:

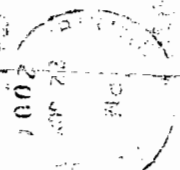
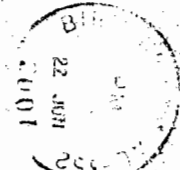
I only could supply THE ATTORNEY GENERAL  
1 Set of Copies of the EXHIBITS, But They  
Are for both Cases. Each Copy Costs 50¢ and I  
Could not afford more than 12 copies.

Christopher C. McCullough

2007 JUN 22  
U.S. DISTRICT COURT  
DISTRICT OF COLUMBIA

1501 AAAA

WELLS FARGO BANK  
BESSIE L. ALBA 35003



Office of the Clerk  
UNITED STATES DISTRICT COURT  
P.O. Box 711  
Montgomery, AL 36103